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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,557	07/07/2003	Frank Yang	PAT-1512	5796

7590 11/24/2004  
Raymond Sun  
12420 Woodhall Way  
Tustin, CA 92782

EXAMINER

SZUMNY, JONATHON A

ART UNIT PAPER NUMBER

3632

DATE MAILED: 11/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/614,557

Applicant(s)

YANG ET AL. 

Examiner

Jon A Szumny

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-5 and 7-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-5 and 7-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

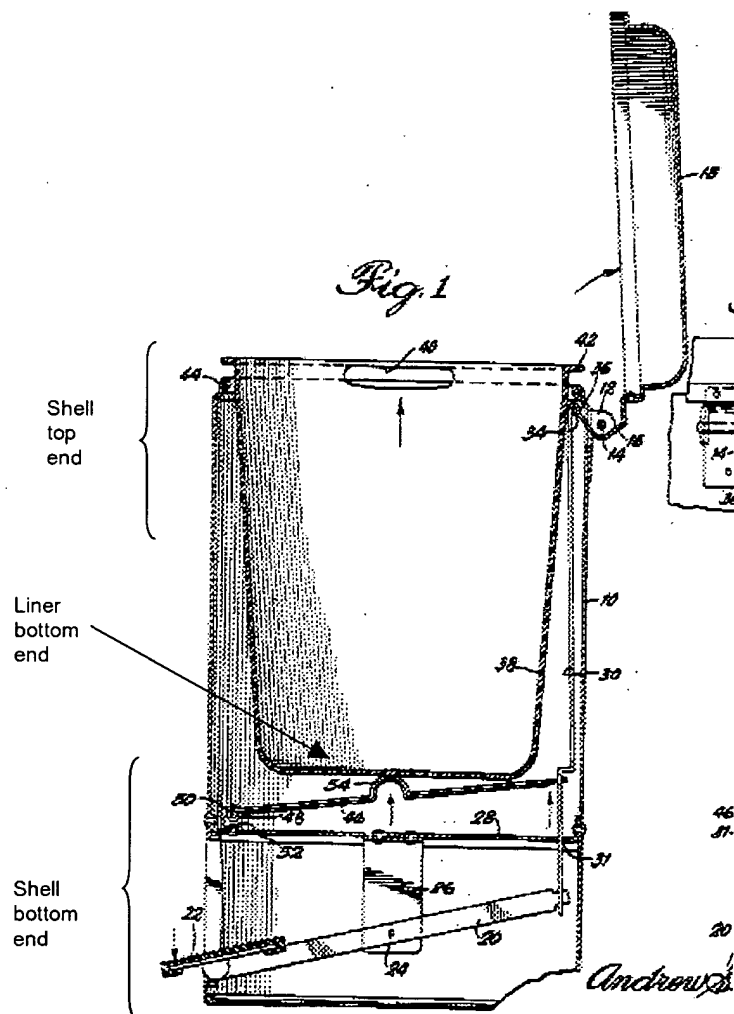
- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

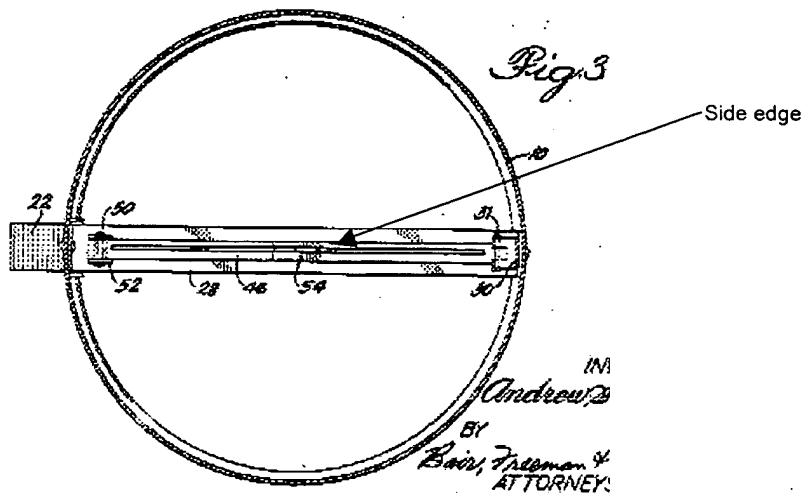
This is the third office action for application number 10614,557, Trash Can Assembly, filed on July 7, 2003. Finality of the previous office action has now been withdrawn.

*Claim Rejections - 35 USC § 103*

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 2, 3, 5 and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knapp '474 in view of U.S. Patent number 6,364,147 to Meinzing et al.





Regarding claims 2, 3, 5 and 7-9, Knapp '474 discloses a trash can assembly (above) comprising a shell (10) having top and bottom ends (above) wherein the bottom end has a side edge (above, the edge is on the bottom end, and the edge is on a side of a section of the bottom end), a liner (38) defining a container body and fitted inside the shell, a lid (18) fitted over the top end, a foot pedal (22) positioned adjacent the bottom end of the shell, a link assembly (20,30) coupling the foot pedal and the lid, and a support block/means (54, a "block" is defined in Merriam Webster's Collegiate Dictionary - 10<sup>th</sup> Edition as being "a compact usually solid piece of substantial material... to serve a particular purpose," so clearly 54 is a "support block") provided adjacent the side edge of the bottom end of the shell, wherein the liner has a bottom end that is supported by the support block when the liner is in a raised position, wherein the assembly includes a base (46, or alternatively 28) with the support block provided on the base, wherein the liner has an annular lip, wherein the top of the shell has an annular wall. However, Knapp '474 fails to specifically teach the annular wall to have a groove that exposes a portion of the upper lip of the liner.

Nevertheless, Meinzinger et al. '147 divulges a trash can assembly (figure e7) wherein a liner (112) is received within a shell (124), wherein the shell has an annular wall with a groove (141) at a top end thereof that exposes an annular lip of the shell (column 8, lines 59-64). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the annular wall of the shell of Knapp '474 so as to have a groove as in Meinzinger et al. '147 so as to facilitate the removal of the liner.

With respect to claim 10, Knapp '474 divulges the previously described invention and inherently teaches a method comprising providing a trash can assembly as previously described, wherein the liner is seated inside the shell, the liner is raised with respect to the interior of the shell (when pedal is pushed), and the liner is supported on the support block in a raised position with respect to the shell. However, Knapp '474 fails to specifically teach the liner to have a trash bag fitted therein, wherein the trash bag is fitted in the liner, then the liner is seated within the shell, and wherein the trash bag is removed and replaced when the liner is supported on the support block.

Meinzinger et al. '147 reveals a trash bag assembly (figure 7) comprising a shell, liner and trash bag, wherein the bag is first fitted in the liner and then the liner is seated in the shell (column 8, lines 51-59). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Knapp '474 by fitting a bag into the liner before seating the liner into the shell so as to provide for a more sanitary assembly by only need to replace an inherently cheap and lightweight bag instead of the entire liner when the assembly is full of trash, in addition to providing an extra layer of material between the trash and rest of the assembly. Further, it would have been obvious to remove the trash bag when the liner is in a raised position with respect to the shell on the support block so as to facilitate

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removal and replacement of the trash bag by providing a more convenient location with which to access the trash bag. Finally, an ordinary artisan would certainly recognize the need to remove and replace the trash bag when it becomes full. Moreover, Knapp '474 in view of Meinzinger et al. '147 further inherently teach the step of gripping an upper lip of the liner to raise the liner (via grip 40), but fail to specifically teach doing so via the groove. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have positioned the grip to be in alignment with the groove so as to facilitate removal of the liner upon raising of the liner.

Claims 3, 5, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang '024 in view of Meinzinger et al. '147.

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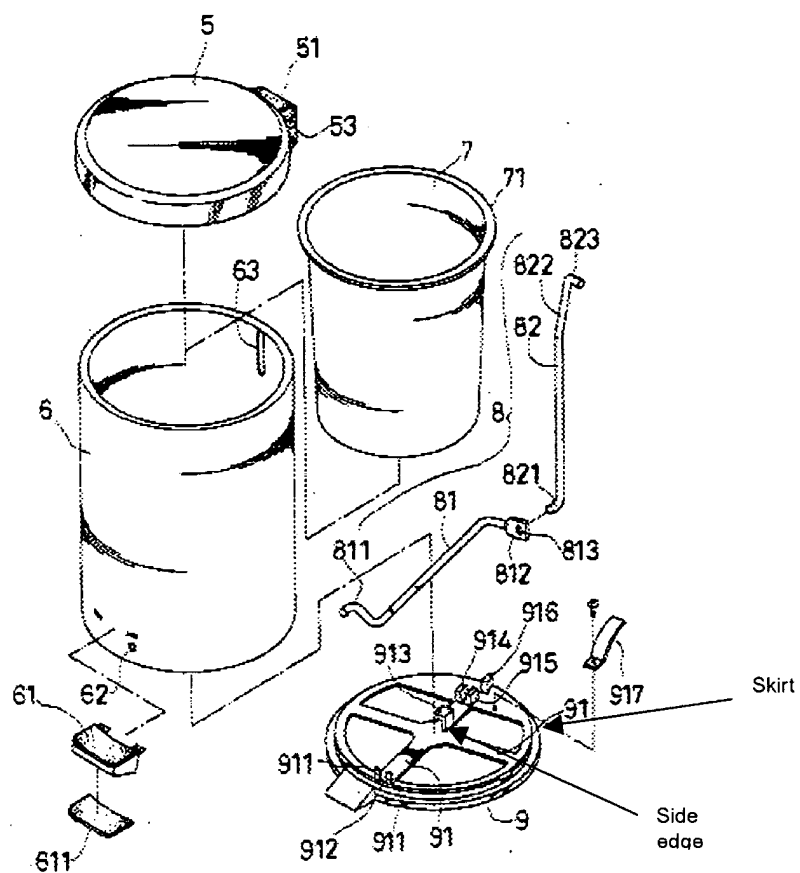
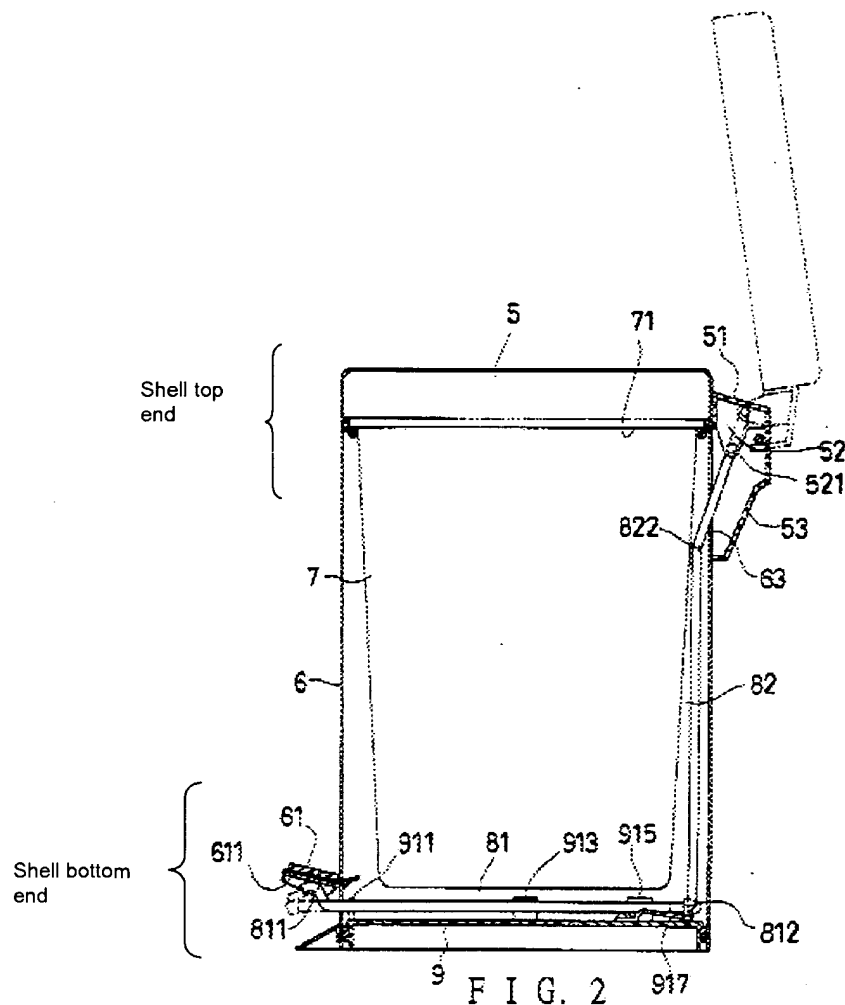


FIG. 1



Wang '024 discloses a trash can assembly (above) comprising a shell (6) having top and bottom ends (above) wherein the bottom end has a side edge (above, the edge is on the bottom end, and the edge is on a side of a section of the bottom end), a liner (7) defining a container body and fitted inside the shell, a lid (5) fitted over the top end, a foot pedal (61) positioned adjacent the bottom end of the shell, a link assembly (81,82) coupling the foot pedal and the lid, and a support block/means (913, a “block” is defined in Merriam Webster’s Collegiate Dictionary - 10<sup>th</sup> Edition as being “a compact usually solid piece of substantial material... to serve

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a particular purpose,” so clearly 913 is a “support block”) provided adjacent the side edge of the bottom end of the shell, wherein the assembly includes a base (9) with the support block provided on the base. However, Wang ‘024 fails to specifically teach the annular wall to have a groove that exposes a portion of the upper lip of the liner.

Nevertheless, Meinzinger et al. ‘147 divulges a trash can assembly (figure e7) wherein a liner (112) is received within a shell (124), wherein the shell has an annular wall with a groove (141) at a top end thereof that exposes an annular lip of the shell (column 8, lines 59-64). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the annular wall of the shell of Wang ‘024 so as to have a groove as in Meinzinger et al. ‘147 so as to facilitate the removal of the liner.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wang ‘024 in view of U.S. Patent Application number US 2002/0079315 to Yang.

Wang ‘024 divulges the previous invention failing to specifically teach a skirt to surround the bottom end of the shell. However, Yang ‘315 teaches a trash can assembly (figure 3) including a base (38) with a skirt (50) surrounding the bottom end of a shell (22). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the assembly of Wang ‘024 so as to have a skirt that surrounds the base as in Yang ‘315 so as to provide for a more a more structurally sound assembly, and to reduce the likelihood of the assembly tipping over.

### *Response to Arguments*

Applicant's arguments filed November 18, 2004 have been fully considered but they are not persuasive.

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Applicant's arguments with respect to claims 2-5 and 7-10 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jon A Szumny whose telephone number is (703) 306-3403. The examiner can normally be reached on Monday-Friday 8-4.

The fax phone number for the organization where this application and proceeding are assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

A handwritten signature in black ink, appearing to read 'Jon Szumny', with a stylized flourish extending to the right.

Jon Szumny  
Patent Examiner  
Technology Center 3600  
Art Unit 3632  
November 22, 2004